

109TH CONGRESS
1ST SESSION

S. 1822

To amend titles XVIII and XIX of the Social Security Act to make improvements to the implementation of the medicare prescription drug benefit.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 2005

Mrs. MURRAY (for herself and Ms. CANTWELL) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend titles XVIII and XIX of the Social Security Act to make improvements to the implementation of the medicare prescription drug benefit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare Help for
5 Every beneficiary And Low income Senior Act of 2005”
6 or the “Medicare HEALS Act of 2005”.

7 **SEC. 2. ALLOWING MEDICAID WRAP.**

8 (a) REPEAL.—Subsection (d) of section 1935 of the
9 Social Security Act (42 U.S.C. 1396u–5) is repealed.

1 (b) REDUCTION IN CLAWBACK PAYMENTS BY THE
 2 AMOUNT OF WRAP PAYMENTS.—Section 1935(c)(1) of
 3 the Social Security Act (42 U.S.C. 1396u–5(c)(1)) is
 4 amended—

5 (1) in subparagraph (A), in the matter pre-
 6 ceding clause (i), by striking “Each” and inserting
 7 “Subject to subparagraph (E), each”; and

8 (2) by adding at the end the following new sub-
 9 paragraph:

10 “(E) REDUCTION IN PAYMENT.—The
 11 amount of the payment that a State or the Dis-
 12 trict of Columbia would otherwise be required
 13 to pay to the Secretary under subparagraph (A)
 14 for a month shall be reduced by an amount
 15 equal to the amount of the State share for med-
 16 ical assistance for covered outpatient drugs fur-
 17 nished to full-benefit dual eligible individuals
 18 for that month that supplements the prescrip-
 19 tion drug coverage under part D of title XVIII,
 20 including medical assistance for cost-sharing
 21 under such part D. If a State or the District
 22 of Columbia provides medical assistance for
 23 such cost-sharing, such assistance shall be con-
 24 sidered medicare cost-sharing under section

1 1905(p)(3) for purposes of payments under sec-
 2 tion 1903.”.

3 (c) EFFECTIVE DATE.—The repeal made by sub-
 4 section (a) and the amendments made by subsection (b)
 5 shall take effect as if included in the enactment of section
 6 103 of the Medicare Prescription Drug, Improvement, and
 7 Modernization Act of 2003 (Public Law 108–173; 117
 8 Stat. 2154).

9 **SEC. 3. WAIVER OF PART D LATE ENROLLMENT PENALTY**
 10 **FOR TRANSITION PERIOD.**

11 (a) IN GENERAL.—Section 1860D–13(b) of the So-
 12 cial Security Act (42 U.S.C. 1895w–113(b)) is amended
 13 by adding at the end the following new paragraph:

14 “(8) WAIVER OF PENALTY FOR MONTHS PRIOR
 15 TO 2008.—A part D eligible individual who enrolls
 16 for the first time in a prescription drug plan or an
 17 MA–PD plan under this part prior to January 1,
 18 2008, shall not be subject an increase in the month-
 19 ly beneficiary premium established under subsection
 20 (a) with respect to months occurring prior to such
 21 date.”.

22 (b) EFFECTIVE DATE.—The amendment made by
 23 this section shall take effect as if included in the enact-
 24 ment of section 101(a) of the Medicare Prescription Drug,

- 1 Improvement, and Modernization Act of 2003 (Public Law
- 2 108–173; 117 Stat. 2071).

